

A bill to be entitled

An act relating to residential tenant insurance policies; creating s. 83.491, F.S.; requiring a written residential rental agreement to include a statement specifying whether insurance coverage is required; providing a form for such statement; providing that a rental agreement may require the tenant to purchase or maintain certain insurance; providing notice requirements; limiting the scope to written rental agreements; prohibiting a cause of action relating to a landlord's failure to enforce an insurance requirement; providing applicability; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 83.491, Florida Statutes, is created to read:

83.491 Insurance requirement.-

(1) As to every written residential rental agreement governed by this part that is entered into or renewed on or after January 1, 2015:

(a)1. If the rental agreement requires the tenant to obtain a tenant's policy of insurance, the rental agreement must include a statement in substantially the following form:

27 A landlord is generally not liable for loss or damage
28 to your personal property. This rental agreement
29 requires you to purchase and maintain a tenant's
30 policy of insurance covering loss or damage to your
31 personal property from a company of your choice with a
32 minimum coverage amount of ... (insert coverage
33 requirements here)....

34
35 2. A rental agreement may require the tenant to purchase
36 and maintain insurance other than a policy of insurance covering
37 loss or damage to personal property.

38 (b) If the rental agreement does not require the tenant to
39 obtain a tenant's policy of insurance, the rental agreement must
40 include a statement in substantially the following form:

41
42 A landlord is generally not liable for loss or damage
43 to your personal property. This rental agreement does
44 not require you to purchase or maintain a tenant's
45 policy of insurance. However, you should consider
46 purchasing a tenant's policy of insurance covering
47 loss or damage to your personal property from a
48 company of your choice.

49
50 (2) The notice required by subsection (1) must be in a
51 type size equal to or larger than the type in the majority of
52 the agreement and must be separately initialed by the tenant.

53 (3) An unwritten agreement or an agreement that fails to
54 include the required notice is presumed not to require a
55 tenant's policy of insurance.

56 (4) A tenant does not have a cause of action against a
57 landlord as a result of a landlord's failure to enforce an
58 insurance requirement. A person is not deemed a third-party
59 beneficiary of a requirement to purchase tenant's insurance.

60 Section 2. This act applies to a residential lease
61 governed by part II of chapter 83, Florida Statutes, that is
62 entered into on or after the effective date of this act.

63 Section 3. This act shall take effect January 1, 2015.